



## FACT SHEET

## Collaborative Justice Courts

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The Collaborative Justice Courts Advisory Committee was appointed to assist in the work of problem-solving courts in California. These courts include drug, domestic violence, mental health, homeless, community, and peer/youth courts, as well as other developing collaborative justice courts. The committee encourages innovative programs, identifies funding for these programs, and develops and promotes consistent and professional standards for these courts. The committee's Web page is [www.courtinfo.ca.gov/courtadmin/jc/comlists/colljust.htm](http://www.courtinfo.ca.gov/courtadmin/jc/comlists/colljust.htm).

### Mission

- Recommend criteria to the Judicial Council for identifying and evaluating collaborative justice courts and for improving case processing in these courts, which include drug courts, domestic violence courts, mental health treatment courts, homeless courts, community courts, youth/peer courts, and balanced and restorative justice programs;
- Assess and measure the success and effectiveness of collaborative justice courts;
- Identify local best practices;
- Recommend minimum judicial education standards and educational activities to the Governing Committee of the Center for Judicial Education and Research;
- Advise the council of potential funding sources;
- Make recommendations about grant funding programs administered by the AOC; and
- Recommend appropriate outreach activities to support collaborative justice courts.

### History and Growth of Collaborative Justice Courts

The concept of "collaborative justice" courts grew out of the collaboration between courts and their communities. Collaborative justice courts are increasingly recognized as a means to deal more effectively with complex social issues and problems. In August 2000 the Conference of Chief Justices and the Conference of State Court Administrators passed a resolution "In Support of Problem-Solving Courts" (collaborative justice courts). That same year Chief Justice Ronald M. George appointed the Collaborative Justice Courts Advisory Committee as a successor to the former Oversight Committee for the California Drug Court Project. With involvement on both a state and national level, a new focus is being placed on integrating collaborative principles and methods into ongoing court operations, developing guidelines and best practices for collaborative courts, and supporting education and training.

Collaborative justice components, as defined by the Collaborative Justice Courts Advisory Committee, are as follows:

- Collaborative justice courts integrate services with justice system processing.
- Collaborative justice courts emphasize achieving the desired goals without using the traditional adversarial process.
- Eligible participants are identified early and promptly placed in the collaborative justice court program.
- Collaborative justice courts provide access to a continuum of services, including treatment and rehabilitation services.
- Participant compliance is monitored frequently.
- A coordinated strategy governs the court's responses to participants' compliance, using a system of sanctions and incentives to foster compliance.
- Ongoing judicial interaction with each collaborative justice court participant is essential.
- Monitoring and evaluation measure the achievement of program goals and gauge effectiveness.
- Effective collaborative justice court operations require continuing interdisciplinary education.
- Forging partnerships among collaborative justice courts, public agencies, and community-based organizations increases the availability of services, enhances the program's effectiveness, and generates local support.
- Effective collaborative justice courts emphasize a team and individual commitment to cultural competency. Awareness of and responsiveness to diversity and cultural issues help ensure an attitude of respect within the collaborative justice court setting.

### ***Funding Programs for Collaborative Justice Courts***

Collaborative justice courts receive funding from federal and state sources, as summarized below. Technical assistance is also provided to courts to identify additional funding for collaborative justice programs.

**Local Assistance Grants:** Funding for collaborative justice courts through the Administrative Office of the Courts local assistance grant program was first offered in 2001–2002.

**Collaborative Justice Mini-Grants:** Since 1996 federal funding has been made available annually for drug courts and other collaborative justice courts through the California Office of Criminal Justice Planning (OCJP). The Administrative Office of the Courts has administered these pass-through grants, which have provided funding to about 15 to 30 drug courts each year. In fiscal year 2000–2001, the program funded juvenile delinquency, dependency, and family drug courts. In 2001–2002, the program expanded to include youth/peer courts.

**State Drug Court Funding:** In September 1998, the California Legislature enacted the Drug Court Partnership Act to fund county court systems that develop and implement post-plea drug court programs in order to provide the greatest public safety benefit and the most effective reductions in state and local costs. This legislation established a unique partnership between the state Department of Alcohol and Drug Programs (ADP) and the Judicial Council for the purpose of demonstrating the cost-effectiveness of drug courts. The act has provided \$8 million per year to fund this grants program starting in fiscal year 1998–1999. ADP administers the program in concurrence with the Judicial Council.

In 2000, the state Legislature implemented the Comprehensive Drug Court Implementation Act of 1999, and the Judicial Council and the ADP continue to collaborate and administer the program. This act provides funding to “drug court systems,” including those for (1) juvenile offenders; (2) parents of children who are detained by, or are dependents of, the juvenile court;

(3) parents of children in family law cases involving custody and visitation issues; (4) criminal offenders under Penal Code sections 1000.1–1000.5; and (5) other drug court systems approved by the Drug Court Partnership Executive Steering Committee. The State Budget for fiscal year 2000–2001 provided \$10 million for this program, ensuring its continuation through 2004.

### **Drug Court System**

Developed in the early 1990s as an alternative to traditional criminal prosecution for drug-related offenses, drug treatment courts (a.k.a. drug courts) provided an early model for collaborative justice courts. They combine close judicial supervision with resources available through alcohol and drug treatment services. Two initial goals of drug courts were to reduce recidivism and to tailor the criminal justice system's responses to offenders with drug problems, making these more effective and appropriate.

Drug court programs are more effective than traditional criminal prosecution methods, according to the U.S. Department of Justice's Bureau of Justice Assistance Drug Court Clearinghouse. Because of the success of their initial implementation experience and increased support, many programs are now expanding their targeted populations. More than 158 drug courts, including adult pre- and post-plea drug courts, juvenile drug courts, and drug courts in juvenile dependency and family courts, operate in California. This statewide system of drug courts has been integrated into the continuum of court programs for drug offenders in California. With the passage of Proposition 36 (Substance Abuse and Crime Prevention Act) in November 2000, the system evolved to include diversion programs, drug courts, and Prop. 36 court programs. California received the National Drug Court Month award from the National Association of Drug Court Professionals in 2002 in recognition of the many drug court activities and programs being promoted across the state.

Effective January 1, 1998, the Judicial Council adopted section 36 of the California Standards of Judicial Administration, Guidelines for Diversion Drug Court Programs, which provides clarification specifically for pre-plea diversion drug courts under Penal Code section 1000.5. Courts are also encouraged to look to the guidelines of the National Association of Drug Court Professionals (NADCP), *Defining Drug Courts: The Key Components*, which outline the purpose of drug courts and the performance measures. These guidelines served as a basis for developing the advisory committee's criteria for defining collaborative justice courts.

### **Drug Court Evaluation Projects**

In both 1998 and 2002, federal grant funding of \$300,000 was approved by the U.S. Department of Justice's Office of Justice Programs to assist the Administrative Office of the Courts with its statewide adult drug court evaluation effort. This project will answer two main policy questions: (1) Are drug courts cost-effective? and (2) What are the most promising practices? In addition, the evaluation will lead to a methodology for continuous evaluation of drug courts throughout the state. The first phase of the evaluation (1999–2001) focused on three drug courts. A second phase, begun in 2002, focuses on an additional 10 drug courts. It is anticipated that a third phase will be launched in 2003 and will include all adult drug courts.

Courts receiving grants through the Drug Court Partnership Program also participated in an independent evaluation that was completed in March 2002. The evaluation was designed to demonstrate the effectiveness of these programs in terms of cost, participants' drug use, and criminal involvement, and improved family and vocational indicators. It is available on the California Courts Web site at [www.courtinfo.ca.gov/reference/4\\_14drug.htm](http://www.courtinfo.ca.gov/reference/4_14drug.htm)

### ***Proposition 36: Substance Abuse and Crime Prevention Act***

In November 2000, California voters approved Proposition 36, the Substance Abuse and Crime Prevention Act. The measure made significant changes to the state's criminal justice and drug treatment systems by requiring that nonviolent drug offenders be placed on probation and receive drug treatment. In December 2000, the Proposition 36 Implementation Workgroup was created to provide recommendations to the Judicial Council and to assist courts statewide in implementation.

Beginning January 1, 2001, \$60 million was provided through Proposition 36 and allocated to counties by the designated lead agency, the Department of Alcohol and Drug Programs (ADP), for the purpose of first-year planning and initial implementation. The Proposition 36 Trust Fund is then allocated at the rate of \$120 million per year, concluding in fiscal year 2005–2006, at which time an independent evaluation is to have been completed. Funds are allocated to the lead agency in each county according to an allocation formula developed by ADP with advice from its Statewide Advisory Group. The Proposition 36 Implementation Workgroup and the Collaborative Justice Courts Advisory Committee have worked in collaboration with ADP to integrate Proposition 36 into existing drug court systems in California.

### **Resources**

- Judicial Council of California, Administrative Office of the Courts: Nancy Taylor, 415-865-7607
- Judicial Council, Administrative Office of the Courts—general information: [www.courtinfo.ca.gov/programs/drugcourts](http://www.courtinfo.ca.gov/programs/drugcourts); educational programs: Karen Moen, 415-865-7823
- California Association of Drug Court Professionals: Judge Stephen V. Manley, Superior Court of California, County of Santa Clara, 191 North First Street, San Jose, CA 95113, 408-299-2928
- Center for Court Innovation, a Public/Private Partnership with the New York State Unified Court System—general information/community courts information: call 212-397-3050 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org)
- Drug Courts Program Office, Office of Justice Programs, U.S. Department of Justice, 633 Indiana Avenue NW, Washington, DC 20531, 202-616-5001, [www.ojp.usdoj.gov/dcpo](http://www.ojp.usdoj.gov/dcpo)
- National Association of Drug Court Professionals: 4900 Seminary Road, Suite 320, Alexandria, VA 22311, 703-575-9400 or 1877-507-3229
- Justice Programs Office, Bureau of Justice Assistance Drug Court Clearinghouse, American University, 4400 Massachusetts Avenue NW, Washington, DC 20016-8159, 202-885-2875; fax: 202-885-2885

### **Domestic Violence Court Resources**

- Judicial Council of California, Administrative Office of the Courts, Center for Families, Children & the Courts: Tamara Abrams, 415-865-7712; Julia Weber, 415-865-7693
- Family Violence Prevention Fund, 383 Rhode Island Street, Suite 304, San Francisco, CA 94103-5133, 415-252-8900
- Violence Against Women Office, Office of Justice Programs, U.S. Department of Justice, 810 Seventh Street NW, Washington, DC 20531, 202-307-6026, [www.ojp.usdoj.gov/vawo](http://www.ojp.usdoj.gov/vawo)

## **Youth/Peer Court Resources**

- National Youth Court Center, c/o American Probation and Parole Association, 2760 Research Park Drive, P.O. Box 11910, Lexington, KY 40578, 859-244-8215, [www.appa-net.org](http://www.appa-net.org)
- Juvenile Justice Clearinghouse, National Criminal Justice Reference Service, 800-638-8736
- Office of Juvenile Justice and Delinquency Prevention, 810 Seventh Street NW, Washington, DC 20531, 202-307-5911
- National Center for State Courts, 300 Newport Avenue, Williamsburg, VA 23185, 757-253-2000, [www.ncsconline.org](http://www.ncsconline.org)

## **Mental Health Treatment Court Resources**

- The U.S. Department of Justice report *Emerging Judicial Strategies for the Mentally Ill* provides detailed outlines of the San Bernardino County Mental Health Treatment Court's program, along with similar information about pioneering jurisdictions in three other states.
- The National Center for State Courts, an independent, nonprofit organization dedicated to the improvement of justice, will soon have a special Web page devoted to mental health treatment courts. Contact the Information Resource Center, 800-616-6164.
- "Re-thinking the Revolving Door: A Look at Mental Illness in the Court," a study funded by the State Justice Institute. Prepared by the Center for Court Innovation, a Public/Private Partnership with the New York State Unified Court System. For more information, call 202-397-3050 or e-mail [info@courtinnovation.org](mailto:info@courtinnovation.org).